MISCELLANEOUS.

DEVELOPMENT DEPARTMENT

G.O No. 3282, 16th July 1951

Labour—Disputes—Dispute between the workers and the management of the Mangalore Automobiles, Limited, Mangalore—Award of the Industrial Tribunal, Coimbatore—Published.

DEVELOPMENT DEPARTMENT

G.O. No. 3282, 16th July 1951

Labour—Disputes—Dispute between the workers and the management of the Mangalore Automobiles, Limited, Mangalore—Award of the Industrial Tribunal, Coimbatore—Published.

READ—the following papers:—

I

G.O. Ms. No. 2189, Development, dated 15th May 1951.

II

BEFORE THE INDUSTRIAL TRIBUNAL, COIMBATORE.

PRESENT:

SRI P. V. KRISHNASWAMI, B.A., B.L.

INDUSTRIAL DISPUTE No. 19 OF 1951.

[In the matter of the disputes between the workers and the management of the Mangalore Automobiles, Limited, Mangalore.]

[G.O. Ms. No. 2189, Development, dated 15th May 1951.]

Sri M. Annaji Rao, Foreman and Workshop Manager, Mangalore Automobiles, Limited, Mangalore—*For the management.*

Assistant Secretary, Canara Motor Workers' Union, Mangalore—*For the workers.*

AWARD.

1. Reference to adjudication of a dispute between the workers and the management of the Mangalore Automobiles, Limited, Mangalore, regarding—

Whether the termination of the services of Sri B. Somayya Shetty, fitter, was justified and what relief is he entitled to.

2. The Union filed a statement on 7th June 1951 giving details regarding the dispute. It states: the Mangalore Automobiles, Limited, is a public limited concern with nine vehicles and 36 employees out of which eight are employed in the workshop; the management implemented the award of the Industrial Tribunal only in part and threatened the employees with summary dismissal if they became members of the Union; the provisions of the Factories Act were not observed; the workshop employees were badly and roughly treated by the foreman; the Union wrote to the Factory Inspector complaining about non-observance of the provisions of the Factories Act and the management was called upon by the Factory Inspector to explain; the management then asked the workers as to who had complained to the Union; Sri Somayya Shetty admitted that it was he; thereupon the Managing Director got a note typed, addressed to the Factory Inspector as if by Somayya Shetty wherein it was mentioned that his report was false and that he had no complaints against the management; Sri Somayya Shetty refused to sign that note; on 14th October 1950 when he entered the workshop, he was told that he would be given employment only if he signed that note and on his refusal, he was served with a dismissal notice. The Union demands reinstatement of the worker with compensation and back wages.

3. The management contended: Sri Somayya Shetty was an employee in the workshop; his work was not satisfactory and in course of time he became lazy and was wasting time without doing any work; the foreman complained about him to the management and he was warned by the management which had some effect; again his work was unsatisfactory and he was warned several times orally for careless work, coming late, wasting time, smoking in the workshop, etc.; he was finally told on the morning of 5th October 1950 that he would no longer be tolerated for which he replied that he had a better job elsewhere; when the management called the worker and asked him what his grievance was and why he was indifferent, he replied that he did not wish to continue to work under the foreman who was the departmental head and that he had a better job elsewhere; he refused to give any statement in writing and attended the workshop last on 5th October 1950; his abovesaid oral statement amounted to his resignation and so after waiting for a few days, a notice was issued terminating his services which was served on him at his residence on 16th October 1950; soon after he was employed in Mohan Engineering, Limited, Balmatta Road, Mangalore; he left them also and for about six months he is employed in Willy's Garage, Balmatta Road, Mangalore. Regarding the other allegations of the Union the management stated that the Union's statement is a gross misrepresentation of facts, etc.; the termination of services of Somayya Shetty was justified and valid.

4. After the above written statements were filed, some correspondence passed between the parties copies of which had been sent to this Tribunal and finally on 25th June 1951 the parties have filed a compromise into Court which has been recorded and forms the award as hereunder.

"Mangalore,
23rd June 1951.

The dispute between the management of the Mangalore Automobiles, Limited, Mangalore, and the workers in respect of the termination of services of B. Somayya Shetty is hereby finally settled with the following terms:—

(1) That he should join duty on 25th June 1951.

(2) That he should be given Rs. 562-8-0 as compensation for the period he was not in the service of the company.

For *Mangalore Automobiles, Ltd.*,
For *Kerwar & Co.*,
(Signed) K. MANOHAR RAO.
For *Kanara Motor Workers Union.*
(Signed) SANJEEVANATH,
Assistant Secretary.
For *Kanara Motor Workers Union,*
(Signed) A. BALAPPA,
Treasurer."

Such is the award.

Coimbatore,
27th June 1951.

P. V. KRISHNASWAMI,
Industrial Tribunal.

Order—No. 3282, Development, dated 16th July 1951.

Whereas the award of the Industrial Tribunal, Coimbatore, in respect of the industrial dispute between the workers and the management of the Mangalore Automobiles, Limited, Mangalore, has been received;

Now, therefore, in exercise of the powers conferred by section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), His Excellency the Governor of Madras hereby directs that the award be published in the *Fort St. George Gazette*.

J. M. LOBO PRABHU,
Secretary to Government

To the Commissioner of Labour, Madras (20 copies).
" Industrial Tribunal, Block No. XVI, Fort St. George, Madras.
" Industrial Tribunal, Coimbatore.
" Industrial Tribunal, Shenoynagar, Madurai.
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" Sri R. Venkataraman, M.A., B.L., 1/174, High Road, Royapetta, Madras.
" the Regional Labour Commissioner (Central), First Floor, Flat No. 12, Khaleeli Mansions, Mount Road, Madras.
" the Director-General, International Labour Organization, Geneva.
" the Regional Director of Resettlement and Employment, Cathedral P.O., Madras.
" the Chief Commissioner, Kutch, Bhuj.
" the Chief Commissioner, Bhopal, Bhopal.
" the Chief Commissioner, Bhilaspur (Simla Hills).
" the Chief Commissioner, Vindhya Pradesh, Reva.
" the Chief Commissioner, Manipur, Imphal.
" the Chief Commissioner, Tripura, Agartala.
" the Chief Commissioner, Himachal Pradesh, Simla.
" the Collector of South Kanara.
" the Management of the Mangalore Automobiles, Limited, Mangalore.
" the Secretary, Canara Motor Workers' Union, Felix Pai Bazaar, Mangalore.
" the General Secretary I.N.T.U.C., Central Office, 17, Queensway, New Delhi.
" the Deputy Registrar, Labour Appellate Tribunal, City Ice Building, 298, Bazaar Gate Street, Fort, Bombay.

Forwarded to the

(By order)

Superintendent.

From
Sri P.V.Krishnaswami, B.A.B.L.,
Industrial Tribunal,
Brahmin Extension,
Coimbatore.

73704

To
The Secretary to Government,
Development Department,
Fort St. George,
Madras.

Sir, I.D.19 /51 Dated 27-6-1951.(D.No. 574 /51)

Sub: Labour - Disputes between the workers and the management of the Mangalore Automobiles, Limited, Mangalore - adjudication - submission of award -

Ref: G.O.Ms. No.2189, Development Department, dated 15th May 1951.

I have the honour to submit herewith my award in duplicate in the disputes between the workers and the Management of the Mangalore Automobiles Ltd., Mangalore which have been referred to me for decision.

INDUSTRIAL TRIBUNAL,
COIMBATORE.

Encl: 2

RV/

BEFORE THE INDUSTRIAL TRIBUNAL, COIMBATORE.

Present: SriP.V.Krishnaswami,B.A.B.L.

Industrial Dispute No.19 of 1951.

In the matter of the disputes between the workers and the management of the Mangalore Automobiles Limited, Mangalore.

(G.O.Ms.No. 2189 Development Department, dated 15th May 1951)

Sri M.Annaji Rao, Foreman and Workshop Manager, Mangalore Automobiles, Ltd., Mangalore.	For the Management
Assistant Secretary, Canara Motor Workers' Union, Mangalore.	For the workers.

A W A R D.

1. Reference to adjudication of a dispute between the workers and the management of the Mangalore Automobiles, Limited, Mangalore regarding:-

(1) Whether the termination of the services of Sri B.Somayya Shetty, fitter, was justified and what relief is he entitled to.

2. The Union filed a statement on 7-6-1951 giving details regarding the dispute. It states: the Mangalore Automobiles Ltd., is a public limited concern with nine vehicles and 36 employees out of which 8 are employed in the workshop: the management implemented the award of the Industrial Tribunal only in part and threatened the employees with summary dismissal if they became members of the Union: the provisions of the factory Act were not observed: the workshop employees were badly and roughly treated by the Foreman: the Union wrote to the Factory Inspector complaining about non-observance of the provisions of the Factories Act and the management was called upon by the Factory Inspector to explain: the management then asked the workers as to who had complained to the Union: Sri Somayya Shetty admitted that it was he: thereupon the Managing Director got a note typed, addressed to the Factory Inspector as if by Somayya Shetty werein it was mentioned that his report was false and that he had

no complaints against the management: Sri Somayya Shetty refused to sign that note: on 14-10-50 when he entered the worksnop he was told that he would be given employment only if he signed that note and on his refusal he was served with a dismissal notice. The Union demands reinstatement of the worker with compensation and back wages.

The Management contended:- Sri Somayya Shetty was an employee in the workshop: his work was not satisfactory and in course of time he became lazy and was wasting time without doing any work: the Foreman complained about him to the Management and he was warned by the management which had some effect: again his work was unsatisfactory and he was warned several times orally for careless work, coming late, wasting time, smoking in the workshop etc: he was finally told on the morning of 5-10-50 that he would no longer be tolerated for which he replied that he had a better job elsewhere: when the management called the worker and asked him what his grievance was and why he was indifferent, he replied that he did not wish to continue to work under the Foreman who was the departmental Head and that he had a better job elsewhere: he refused to give any statement in writing and attended the workshop last on 5-10-50: his abovesaid oral statement amounted to his resignation and so after waiting for a few days a notice was issued terminating his services which was served on him at his residence on 16-10-1950: soon after he was employed in Mohan Engineering Ltd., Balmatta Road, Mangalore: he left them also and for about six months he is employed in Willy's Garage, Balmatta Road, Mangalore. Regarding the other allegations of the Union the management stated that the Union's statement is a gross misrepresentation of facts, etc: the termination of services of Somayya Shetty was justified and valid.

After the above written statements were filed some correspondence passed between the parties copies of which had been sent to this Tribunal and finally on 25-6-51 the parties have filed a compromise into Court which has been recorded and forms the award as hereunder.

Mangalore,
23rd June 1951.

The dispute between the Management of the Mangalore Automobiles, Ltd., Mangalore, and the workers in respect of the termination of services of B.Somayya Shetty is hereby finally settled with the following terms.

1. That he should join duty on 25-6-1951.
2. That he should be given Rs. 562-8-0 as compensation for the period he was not in the service of the Company.

For Mangalore Automobiles Ltd.,
For Kerwar & Co.,
(Sd.)K.Manohar Rao.,

For Kanara Motor Workers Union.
(Sd) Sanjeevanath,
Asst. Secretary,
For Kanara Motor Workers Union,
(Sd) A.Balappa
Treasurer. "

Such is the award.

INDUSTRIAL TRIBUNAL,
COIMBATORE.

Coimbatore,
Dated 27-6-1951

RV/

Draft

GOVERNMENT OF MADRAS
Abstract.

9

Labour - Disputes - Dispute between the workers and the management of the Mangalore Automobiles Ltd., Mangalore - Award of the Industrial Tribunal, Coimbatore — - Published.

- -

Development Department

G.O.Ms.No. 3282 dated 16.7.51

Read the following:-

G.O.Ms.No.2189, Development, dated 15.5.51.

ORDER:-

Whereas the award of the Industrial Tribunal, Coimbatore, in respect of the industrial dispute between the workers and the management of the Mangalore Automobiles Ltd., Mangalore, has been received;

Now, therefore, in exercise of the powers conferred by section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), His Excellency the Governor of Madras hereby directs that the award be published in the Fort St.George Gazette.

11/7/51

Secretary to Government

To the ~~Superintendent, Government Press, for publication~~
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Industrial Tribunal, Shenoyanagar, Madurai
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p.t.o.

10

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Regional Labour Commissioner (Central) First Floor, Flat No.12, Khaleeli Mansions, Mount Rd., Madras
Director General, International Labour Organisation, Geneva
Regional Director of Resettlement and Employment, Cathedral P.O., Madras
Chief Commissioner, Kutch, Bhuj
Chief Commissioner, Bhopal, Bhopal
Chief Commissioner, Bilaspur (Simla Hills)
Chief Commissioner, Vindhya Pradesh, Reva
Chief Commissioner, Manipur Imphal
Chief Commissioner, Tripura, Agartala
Chief Commissioner, Himachal Pradesh, Simla
Collector of South Kanara
the Management of the Mangalore Automobiles Ltd, Mangalore.
Secretary, Canara Motor Workers Union, Mangalore.
The General Secretary, I.N.T.U.C, Central Office, 17, Queensway, New Delhi.
The Dy. Regr, Labour Appellate Tribunal, City Ice Bldg, 298, Bazaar Gate Street, Fort, Bombay.

D/20 4/11/59

~~Forwarded/By Order~~

~~Superintendent~~

Published at pp 1—2 of Supp to Part I of PSGG dt. 24.7.59

P.T.O.

Draft

Dw. 11

Memo. No. 73704 PI/51-1 dated 16.7.51

Subject:— Labour — Disputes — Dispute between the workers and the management of the Mangalore Automobiles Ltd, Mangalore — Award of the Ind. Tribunal, Coimbatore Publication of.

Draft: I a.s.o.

Ref:— G.O. Ms. No. 3282 Dw. dated 16.7.51

The S.G.P. is requested to publish the G.O. cited along with the award in the F.S.G. Gazette dated 24-7-51 and to send to this dept. immediately thereafter 60 signature copies and 90 spare copies thereof. The G.O. should contain address entries also.

Please 82/1625

copy wi 82/1751

To

The S.G.P (with enc)

11/7/51 (1625) (10.25)

11/7/51 11

13

A.T.No.66381/50. Office of the Commissioner of Labour, Chepauk, Madras. D/11-11-51.

From

Sri C.G. Reddi,
Commissioner of Labour, Madras.

To

The Secretary to Government,
Development Department,
Fort St. George, Madras.

Dev 123837 (P/T)
13.11.51

Sir,

Dev.

To A.S.

May be lodged and added to the G.O. at (X)

16/11/51

Sub: Labour - Award of the Industrial Tribunal, Coimbatore - G.O.3282, Development Department, dated 16-7-51 - Implementation of - Report submitted.

Ref: G.O.No.3282, Development Department, dated 16-7-51.

(X) *****

The management of the ~~Mr~~ Mangalore Automobiles Ltd., Mangalore have implemented the award published in the Government Order cited.

for Commissioner of Labour.

ks 12/11.

KRR
12-11-51.

5/14/7

C.No 73704 PI/51

DEV. DEPT.

LABOUR - Disputes - Dispute between the workers and the Management of the Mangalore Automobiles Ltd., Mangalore Award.

REF:- Letter from the Ind. Tribunal, Coimbatore No. I.D. 19/51 d/ 27.6.51.

In G.O. Ms. No. 2189, Dev., dated 15.5.51, the dispute between the workers and the management of the Mangalore Automobiles Ltd., Mangalore in respect of the termination of services of the fitter, Sri B. Somayya Shetty was referred to the Industrial Tribunal, Coimbatore for adjudication. On 25.6.51, both the parties filed a compromise before the Tribunal who has passed an award in terms of the said compromise. The ~~terms~~ terms of the compromise are that the employee should join duty on 25.6.51, and that he should be given Rs.562-8-0 as compensation for the period of unemployment.

The award may be published in the F.S.G.Gazette with reference to Section 17 of the Industrial Disputes Act. Two drafts are submitted for approval.

10-25 11/7/51 S. 11/7

H.C.M S/H.C.M

SECRETARY TO GOVERNMENT
18 JUL 1951
DEVELOPMENT